

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America)

v.)

Bryan Gabriel MARQUEZ-FLORES Jr.)

and)

Ignacio NIEBLAS Jr.)

Defendant(s)

Case No.

16-MJ-463

FILED
At Albuquerque NM

FEB 08 2016

MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/5/2016 in the county of Bernalillo in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 USC 841 (a) (1), (b) (1) (A)

Offense Description

Possession of more than one kilogram of
Heroin With Intent to Distribute

This criminal complaint is based on these facts:

*** SEE ATTACHED AFFIDAVIT ***

☒ Continued on the attached sheet.

Complainant's signature

S/A Jarrell W. Perry, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/8/16City and state: Albuquerque, New Mexico

Judge's signature

William P. Lynch

Printed name and title

AFFIDAVIT

On February 5, 2016, Drug Enforcement Administration (DEA) Special Agent (S/A) Jarrell W. Perry and DEA S/A Gerald Maestas were at the Amtrak Train Station in Albuquerque, New Mexico to meet the eastbound Amtrak Train number four for its regularly scheduled stop in Albuquerque, New Mexico.

S/A Perry approached two males, who were later identified as Ignacio NIEBLAS Jr. and Bryan Gabriel MARQUEZ-FLORES Jr, who were sitting in their respective seats in the coach section of the Amtrak Train. S/A Perry displayed his DEA badge to NIEBLAS Jr. and MARQUEZ-FLORES Jr., identified himself as a police officer to NIEBLAS Jr. and MARQUEZ-FLORES Jr., asked for and received permission to speak with NIEBLAS Jr. and MARQUEZ-FLORES Jr.

NIEBLAS Jr. and MARQUEZ-FLORES Jr. informed S/A Perry that they were brothers and were traveling together. S/A Perry asked MARQUEZ-FLORES Jr. if he could speak with S/A Maestas and MARQUEZ-FLORES Jr. agreed, stood up from his seat and walked a few feet towards the rear of the coach car and spoke with S/A Maestas.

After a short conversation about his travel, S/A Perry asked NIEBLAS Jr. if he had any luggage with him. NIEBLAS Jr. identified a black/red colored backpack and a blue/black colored duffel bag in the overhead luggage compartment as belonging to NIEBLAS Jr. and MARQUEZ-FLORES Jr. NIEBLAS Jr. said that they both had items in the red/black colored backpack and also in the blue/black colored duffel bag. S/A Perry asked NIEBLAS Jr. if one of the bags belonged to each of them and NIEBLAS Jr. said that they were both he and MARQUEZ-FLORES Jr.'s together.

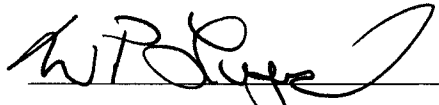
S/A Perry asked for and received permission from NIEBLAS Jr. to search his red/black backpack and blue/black duffel bag for contraband. NIEBLAS Jr. removed the red/black backpack from the overhead luggage compartment, unzipped and began to move various clothing around inside of the backpack. S/A Perry asked NIEBLAS Jr. if he would allow S/A Perry to conduct the search and NIEBLAS Jr. agreed. A consensual search of the

red-black backpack revealed a rectangular shaped, hard-like bundle concealed inside of a pair of blue jeans. S/A Perry immediately knew from his experience that the rectangular shaped, hard-like bundle was consistent with illegal narcotics. A consensual search of the blue/black colored duffel bag revealed two rectangular shaped, hard-like bundles concealed inside of blue jeans. S/A Perry handcuffed NIEBLAS Jr., thus placing him under arrest.

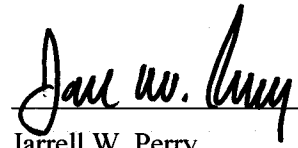
During S/A Maestas' consensual encounter with MARQUEZ-FLORES Jr., MARQUEZ-FLORES Jr. originally claimed the red/black colored backpack and the blue/black colored duffel bag as belonging to him. MARQUEZ-FLORES Jr. changed his story and said that the red/black backpack belonged to him. S/A Maestas asked for and received permission from MARQUEZ-FLORES Jr. to search the red/black colored backpack prior to S/A Perry searching it. S/A Maestas handcuffed MARQUEZ-FLORES Jr., thus placing him under arrest.

NIEBLAS Jr. and MARQUEZ-FLORES Jr. were transported to the DEA ADO. At the DEA ADO, S/A Perry and DEA Task Force Officer (TFO) Travis Chavez weighed the rectangular shaped, hard-like bundle from red/black backpack for a total weight of approximately 1.55 gross kilograms (3.47 gross pounds). S/A Perry and TFO Chavez weighed the two rectangular shaped, hard-like bundles from the blue/black duffel bag for a total weight of approximately 3.10 gross kilograms (6.94 gross pounds). The total weight for the three rectangular shaped, hard-like bundles was approximately 4.65 gross kilograms (10.416 gross pounds). S/A Perry knew that based upon his training and experience that this is an amount that is consistent with distribution rather than personal use. S/A Perry and TFO Chavez cut into the three rectangular shaped, hard-like bundles, which revealed a brown colored substance, which field-tested positive for the presence of heroin.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint.



United States Magistrate Judge



Jarrell W. Perry
Special Agent
Drug Enforcement Administration